No. 291

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American Embassy,

Tokyo, August 29, 1953.

Excellency:

With reference to the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, signed at Tokyo on April 2, 1953, I have the honor to inform Your Excellency that the Senate of the United States on July 21, 1953, gave its advice and consent to the ratification of the said Treaty in a resolution as follows:

"Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of Executive O, 83rd Congress, first session, a Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, together with a Protocol relating thereto, signed at Tokyo on April 2, 1953, subject to the following reservation, which shall be agreed to by the other High Contracting Party before ratifications are exchanged:

"Article VIII, Paragraph 2, shall not extend to professions

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs of

Japan.

professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said Treaty shall apply to such professions.'"

It will be observed that by this resolution the advice and consent of the Senate to the ratification of the Treaty are given subject to a reservation to the provision that concerns the practice of professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the reservation which the Senate has made a condition of its advice and consent to the ratification of the Treaty. An acknowledgement of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of Japan, the said reservation will be considered as completing the acceptance by the two Governments of the reservation.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

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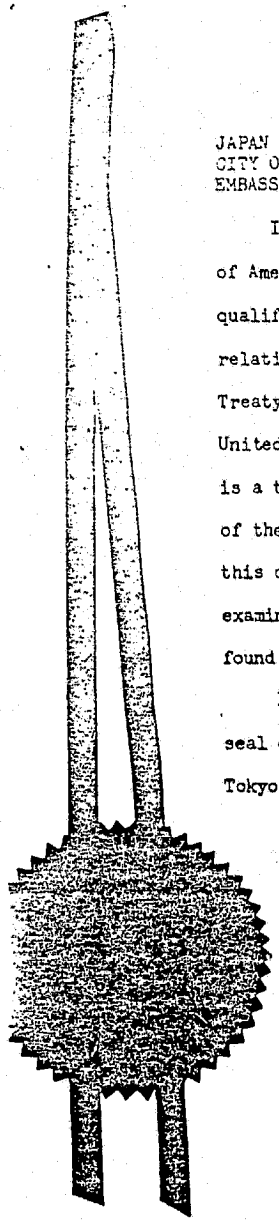

JAPAN)
CITY OF TOKYO) ss:
EMBASSY OF THE UNITED STATES OF AMERICA)

I, John F. Knowles, Vice Consul of the United States of America, in and for Tokyo, Japan, duly commissioned and qualified, do hereby certify that the attached document relating to the United States Senate reservation to the Treaty of Friendship, Commerce and Navigation, between the United States of America and Japan, signed on April 2, 1953, is a true and correct copy of the original of the Note No. 25, of the American Embassy, Tokyo, dated August 29, 1953, this day exhibited to me, the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Embassy of the United States of America, at Tokyo, Japan, this 29th day of August, A.D., 1953.

John F. Knowles
Vice Consul of the United States of America, duly commissioned and qualified.

Service No. 6614
Tariff No. 38.
No Fee Prescribed

Translation

Tokyo, August 28, 1953

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Monsieur l'Ambassadeur,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date in which Your excellency has informed me as follows:

"With reference to the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, signed at Tokyo on April 2, 1953, I have the honor to inform Your excellency that the Senate of the United States on July 21, 1953, gave its advice and consent to the ratification of the said Treaty in a resolution as follows:

'Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of Executive O, 83rd Congress, first session, a Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, together with a Protocol relating thereto, signed at Tokyo on April 2, 1953, subject to the following reservation, which shall be

agreed

His Excellency
Mr. John M. Allison
Ambassador Extraordinary
and Plenipotentiary of the
United States of America
to Japan

agreed to by the other High Contracting Party before ratifications are exchanged:

"Article VIII, Paragraph 2, shall not extend to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said Treaty shall apply to such professions."

It will be observed that by this resolution the advice and consent of the Senate to the ratification of the Treaty are given subject to a reservation to the provision that concerns the practice of professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the reservation which the Senate has made a condition of its advice and consent to the ratification of the Treaty. An acknowledgement of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of Japan,

the

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the said reservation will be considered as completing the acceptance by the two Governments of the reservation."

I have further the honour to inform Your Excellency, on behalf of my Government, that the above reservation is acceptable to the Government of Japan.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Signed: Katsuo Okazaki
Minister for Foreign Affairs

Certified to be an authentic English translation of the signed Japanese original.

August 29, 1953

Takegoro Sato
Assistant Chief of Archives Section,
Ministry of Foreign Affairs

Translation

Tokyo, August 20, 1953

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Monsieur l'Ambassadeur,

With reference to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953, I have the honour to inform Your Excellency that the conclusion of the Treaty was approved by the Diet of Japan on August 7, 1953. In the course of Diet deliberations on the approval for the conclusion of the Treaty, the desire was expressed that, should any reservation be made, on behalf of the United States of America, with respect to the provisions of the Treaty concerning the practice of professions, the Government of Japan should make similar reservation with respect to the same provisions.

Now that Your Excellency has informed me in the Note of today's date of the reservation made on behalf of the United States of America, I wish to inform Your Excellency that my Government has decided to make the following reservation:

Japan:

His Excellency
Mr. John M. Allison
Ambassador Extraordinary
and Plenipotentiary of
the United States of America
to Japan

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Japan reserves the right to impose prohibitions or restrictions on nationals of the United States of America with respect to practicing the professions referred to in Article VII, paragraph 3, to the same extent as States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong, impose prohibitions or restrictions on nationals of Japan with respect to practicing such professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the above reservation of the Government of Japan. An acknowledgement of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of the United States of America, the said reservation will be considered as completing the acceptance thereof by the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Signed: Katsuo Okazaki

Minister for Foreign Affairs

Certified to be an authentic English translation of the signed Japanese original.

August 2., 1953

Takegoro Sato
Assistant Chief of Archives Section,
Ministry of Foreign Affairs

書簡をもつて啓上いたします。本大臣は、閣下が本大臣に次のとおり通報された本日付の閣下の書簡を受領したことを確認する光栄を有します。

本使は、千九百五十三年四月二日に東京で署名されたアメリカ合衆国と日本国との間の友好通商航海条約に関し、合衆国上院が千九百五十三年七月二十一日に次の決議によつて同条約の批准について助言及び承認を与えたことを閣下に通報する光栄を有します。

上院は、第八十三議会第一会期行政部〇号議案千九百五十三年四月二日に東京で署名されたアメリカ合衆国と日本国との間の友好通商航海条約及び同条約に関する議定書の批准について、批准

書の交換前に他方の締約国によつて同意されるべき次の留保を条件として、助言及び承認を与える旨を出席した上院議員の三分の二の賛成を得て決議する。

第八条2は、自由職業で、公的資格における任務の遂行又は公衆の健康及び安全の利益に関する任務の遂行を包含するため、州による許可を要し、且つ、法令又は慣法によつてもつぱらアメリカ合衆国の市民にのみ留保されるものには、適用されないものとし、また、前記の条約中のいかなる最恵国待遇に関する条項も、それらの自由職業には適用されないものとする。

この決議によつて、同条約の批准についての上院の助言及び承認は、自由職業に従事することに関する規定についての留保を条件と

して与えられていることが認められます。

本国政府は、上院が同条約の批准についての助言及び承認の条件とした留保を貴国政府において受諾することができるものと認められることを希望しております。批准書の交換前にこの書簡を受領したことを確認し、且つ、貴国政府のために前記の留保を受諾する旨の閣下の書簡は、両国政府による当該留保の受諾を完了するものとみなされます。

本大臣は、更に、前記の留保が日本国政府にとつて受諾することができるものであることを日本国政府のために閣下に通報する光栄を有します。

本大臣は、以上を申し述べるに際し、ここに重ねて閣下に向つて敬意を表します。

昭和二十八年八月二十九日

外務大臣　岡崎勝男

日本国駐在アメリカ合衆国特命全権大使
ジョン・M・アリソン閣下

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Translation

Tokyo, August 29, 1953

Monsieur L'Ambassadeur,

I have the honour to refer to my Note of today's date informing Your Excellency of the reservation made by my Government with respect to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953.

I wish to inform Your Excellency that the phrase "States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong" used in the said Note shall mean States, Territories or possessions of the United States of America, including the District of Columbia, where such nationals are admitted or licenced to practice such professions, or, if such nationals are not admitted or licenced to practice such professions in any such areas, where such nationals are domiciled.

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His Excellency
Mr. John M. Allison
Ambassador Extraordinary
and Plenipotentiary of
the United States of America
to Japan

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I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Signed: Katsuo Okazaki
Minister for Foreign Affairs

Certified to be an authentic English translation of the signed Japanese original.

August 20, 1953

Takemoro Sato
Assistant Chief of Archives Section,
Ministry of Foreign Affairs

書簡をもつて啓上いたします。本大臣は、昭和二十八年四月二日に東京で署名された日本国とアメリカ合衆国との間の友好通商航海条約に関し、日本国国会が昭和二十八年八月七日に同条約の締結を承認したことを閣下に通報する光栄を有します。同条約の締結についての承認に関する国会の審議中に、同条約中の自由職業に従事することに関する規定についてアメリカ合衆国のためになんらかの留保が行われる場合には日本国政府も同規定について同様の留保を行うべき旨の希望が表明されました。

閣下が本日付の書簡でアメリカ合衆国のために行われた留保について本大臣に通報されましたので、本大臣は、日本国政府が次の留保をすることに決定したことを閣下に通報いたしたいと思います。

日本国に、アメリカ合衆国国民に対し、第八条2に掲げる自由職業に従事することについて、当該国民が属するアメリカ合衆国の州、準州又は領地（ディストリクト・オヴ・コロンビアを含む。）が、本国国民に対しそれらの自由職業に従事することについて禁止又は制限を課する程度と同じ程度に禁止又は制限を課する権利を留保する。

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日本国政府は、日本国政府の前記の留保を貴国政府において受諾することができるものと認められることを希望しております。批准書の交換前にこの書簡を受領したことを確認し、且つ、アメリカ合衆国政府のために前記の留保を受諾する旨の閣下の書簡は、アメリカ合衆国政府による当該留保の受諾を完了するものとみなされます。

本大臣は、以上を申し述めるに際し、ここに重ねて閣下に向つて敬意を表します。

昭和二十八年八月二十九日

外務大臣　岡崎勝男

日本国駐在アメリカ合衆国特命全権大使　ジョン・M・アリソン閣下

書簡をもつて啓上いたします。本大臣は、昭和二十八年四月二日に東京で署名された日本国とアメリカ合衆国との間の友好通商航海条約について日本国政府が行つた留保に関し閣下に通報した本日付の本大臣の書簡に言及する光栄を有します。

本大臣は、同書簡に使用された「当該国民が属するアメリカ合衆国の州、準州又は属地（ディストリクト・オヴ・コロンビアを含む。）」という字句は、当該国民がそれらの自由職業に従事することを許可されたアメリカ合衆国の州、準州若しくは属地（ディストリクト・オヴ・コロンビアを含む。）又は、当該国民がそれらのいずれの地域においてもそれらの自由職業に従事することを許可されていない場合には、当該国民が住所を有する州、準州若しくは属地（ディストリクト・

すウ・コロンビアを含む。）を意味するものであることを閣下に通報いたしたいと思います。

本大臣は、以上を申し述べるに際し、ことに重ねて閣下に向つて敬意を表します。

昭和二十八年八月二十九日

外務大臣　岡崎勝男

日本国駐在　メリカ合衆国特命全権大使　シドニー　M・アリソン閣下

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American Embassy,

Tokyo, August 29, 1953.

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date in which Your Excellency has informed me as follows:

"With reference to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953, I have the honour to inform Your Excellency that the conclusion of the Treaty was approved by the Diet of Japan on August 7, 1953. In the course of Diet deliberations on the approval for the conclusion of the Treaty, the desire was expressed that, should any reservation be made, on behalf of the United States of America, with respect to the provisions of the Treaty concerning the practice of professions, the Government of Japan should make similar reservation with respect to the same provisions.

Now that Your Excellency has informed me in the Note of today's date of the reservation made on behalf of the United States

His Excellency

Katsuo Okazaki,

Minister for Foreign Affairs of

Japan.

United States of America, I wish to inform Your Excellency that my Government has decided to make the following reservation:

Japan reserves the right to impose prohibitions or restrictions on nationals of the United States of America with respect to practicing the professions referred to in Article VIII, paragraph 2, to the same extent as States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong impose prohibitions or restrictions on nationals of Japan with respect to practicing such professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the above reservation of the Government of Japan. An acknowledgment of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of the United States of America, the said reservation will be considered as completing the acceptance thereof by the Government of the United States of America."

I have further the honor to inform Your Excellency, on behalf of my Government, that the above reservation is acceptable to the Government of the United States of America.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

John M. Allison

JAPAN)
CITY OF TOKYO) SS:
EMBASSY OF THE UNITED STATES OF AMERICA)

I, John F. Knowles, Vice Consul of the United States of America, in and for Tokyo, Japan, duly commissioned and qualified, do hereby certify that the attached document relating to the American acceptance of the Japanese reservation to the Treaty of Friendship, Commerce and Navigation, between the United States of America and Japan, signed on April 2, 1953, is a true and correct copy of the original of the Note No. 29 of the American Embassy, Tokyo, dated August 29, 1953, this day exhibited to me, the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Embassy of the United States of America, at Tokyo, Japan, this 29th day of August, A.D., 1953.

John F. Knowles

John F. Knowles
Vice Consul of the United States
of America, duly commissioned and
qualified.

Service No. 6615
Tariff No. 38
No Fee Prescribed